

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

Catherine P. Morales,

Plaintiff,

v.

Randolph Place Residences Condominium Association and Infocus Builders, Inc.

Defendants.

Civil Act No. 1:22-cv-05144

Judge: Thomas M. Durkin

Magistrate Judge: Jeffrey T. Gilbert

**DEFENDANT RANDOLPH PLACE RESIDENCES CONDOMINIUM ASSOCIATION'S  
MOTION TO STRIKE COMPLAINT PURSUANT TO FRCP 8(a) and (d)**

NOW COMES the defendant, RANDOLPH PLACE RESIDENCES CONDOMINIUM ASSOCIATION, by its attorneys, LEAHY, EISENBERG & FRAENKEL, LTD., and hereby moves this Honorable Court to strike the plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 8(a) and (d). In support thereof, movant states as follows:

1. The plaintiff filed her Complaint for damages, alleging that she was injured on or about June 27, 2021 as she was entering the defendant's building in Chicago, Illinois. (See DE#1, a copy of which attached hereto as Exhibit A.) Count I is directed against the movant, under a theory of premises liability negligence. Count II is brought against the co-defendant, Infocus Builders, Inc., under a theory of negligence in the installation of an entryway door.

2. Rule 8 of the Federal Rules of Civil Procedure states, in part, as follows:

**"(a) Claim for Relief.** A pleading that states a claim for relief must contain:

- (1) A short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) A short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) A demand for the relief sought, which may include relief in the alternative or different types of relief.

• • • •

**(d) Pleading to Be Concise and Direct: Alternative Statements: Inconsistency**

- (1) *In General.* Each allegation must be simple, concise and direct. No technical form is required.”

• • • •

3. The plaintiff's Complaint (DE#1: Exhibit A attached) violates the aforementioned sections of FRCP 8, as the Complaint fails to contain short, plain, simple, concise and/or direct allegations as to her entitlement and/or nature of the relief sought in the litigation. In particular, the allegations in paragraphs 1-3 of the Introduction section, and paragraphs 9-21 of the Factual Allegations section, are very verbose, argumentative, compound, conclusory, and/or unnecessary to properly give notice as to her cause of action.

4. The undersigned counsel talked with plaintiff's counsel Sean Johnson (after Jacob Radecki deferred to Mr. Johnson). Mr. Johnson requested to file a response to the motion by November 10, 2022. Movant waives any reply.

WHEREFORE, the defendant, RANDOLPH PLACE RESIDENCES CONDOMINIUM ASSOCIATION, respectfully requests this Honorable Court to strike the plaintiff's Complaint pursuant to Rule 8 of the Federal Code of Civil Procedure.

Respectfully submitted,

By:/s/Jonathan P. Schaefer

Jeffrey S. Pavlovich  
Jonathan P. Schaefer  
LEAHY, EISENBERG & FRAENKEL, LTD.  
20 W. Cass Street, 2<sup>nd</sup> Floor  
Joliet, Illinois 60432  
(815) 723-6514  
Email: [jsp@lefltd.com](mailto:jsp@lefltd.com)

*Attorneys for Defendant, Randolph Place Residences  
Condominium Association,*

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certify that on **October 14, 2022**, we electronically filed Defendant, Randolph Place Residences Condominium Association's Motion to Strike Complaint Pursuant to FRCP 8(a) and (d) using the Court's CM/ECF system, which will send notification of such filing to all parties of record.